

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MAXWELL KADEL, *et al.*,

*Plaintiffs,*

*v.*

DALE FOLWELL, *in his official capacity as State Treasurer of North Carolina*; DEE JONES, *in her official capacity as Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees*; and THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, *et al.*,

*Defendants.*

No. 1:19-cv-272-LCB

**MOTION FOR STAY OF INJUNCTION PENDING APPEAL**

Pursuant to Federal Rule of Civil Procedure 62(d), Defendants Dale Folwell (*in his official capacity as State Treasurer of North Carolina*), Dee Jones (*in her official capacity as Executive Administrator of the State Health Plan*), and the North Carolina State Health Plan for Teachers and State Employees, respectfully move this Court to promptly Stay the injunction entered against these Defendants in its Memorandum Opinion

and Order. Doc. No. 234.<sup>1</sup> A Memorandum in Support of this Motion to Stay has been contemporaneously filed.

Respectfully submitted, this the 27<sup>th</sup> day of July, 2022.

/s/ John G. Knepper  
John G. Knepper  
Wyo. Bar No. 7-4608  
Law Office of John G. Knepper, LLC  
1720 Carey Ave. Suite 590  
Cheyenne, WY 82001  
Telephone: (307) 632-2842  
john@knepperllc.com

/s/ Kevin G. Williams  
Kevin G. Williams  
N.C. Bar No. 25760

/s/ Mark A. Jones  
N.C. Bar No. 36215  
BELL, DAVIS & PITT, P.A.  
100 N. Cherry St. Suite 600  
Winston-Salem, NC 27101  
Telephone: (336) 722-3700  
Facsimile: (336) 722-8153  
kwilliams@belldavispitt.com  
mjones@belldavispitt.com

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<sup>1</sup> The State Health Plan filed a Motion to Correct the portions of this Court's Memorandum Opinion and Order that could be read to subject it this injunction. Doc. Nos. 247, 248. This Court has indicated its intent to make these corrections, should the Fourth Circuit grant leave to do so. Doc. No. 255; *see Kadel v. North Carolina State Health Plan for Teachers*, No. 22-1730 (ECF No. 10) (4th Cir. July 18, 2022). As of the filing of this Motion to Stay, the Memorandum Opinion and Order has not yet been corrected. Thus the State Health Plan also seeks a stay of the injunction issued by this Court's Memorandum Opinion and Order.

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will provide electronic notification to all counsel of record in this matter.

This the 27th day of July, 2022.

/s/ John G. Knepper  
John G. Knepper  
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Cheyenne, WY 82001  
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